

TOWNSHIP COMMITTEE MEETING  
NOVEMBER 22, 2004  
8:00 P.M.

The regular meeting of the Township Committee of the Township of Cranbury was held at 8:00 p.m. in the Town Hall Meeting Room. Answering present to the roll call were: Township Committee members: Becky Beauregard, Thomas Panconi, Jr., Pari Stave, Township Committee-elect Stout and Mayor Stannard. Mr. Mayes arrived at 8:00 p.m. Also present were: Trishka Waterbury, Esquire, Attorney, Cathleen Marcelli, Engineer, Frederick C. Carr, Administrator and Kathleen R. Cunningham, Clerk. Mayor Stannard led in the salute to the flag and Ms. Cunningham gave the following Open Public Meetings Act statement:

In accordance with Section 5 of the Open Public Meetings Act, it is hereby announced and shall be entered into the minutes of this meeting that adequate notice of this meeting has been provided:

- (1) Posted on December 2, 2003 on the Bulletin Board of the Municipal Office at 23-A North Main Street, Cranbury, New Jersey and remains posted at that location.
- (2) Communicated to the Cranbury Press, Home News Tribune and Trenton Times on December 2, 2003.
- (3) Was filed on December 2, 2003 with a Deputy Municipal Clerk at the Cranbury Municipal Office, 23-A North Main Street, Cranbury, New Jersey and remains on file for public inspection, and
- (4) Sent to those individuals who have requested personal notice.

Resolution

On motion offered by Ms. Stave, seconded by Ms. Beauregard, the following resolution was adopted by vote:

Ayes: (Beauregard (Panconi (Stannard (Stave	Absent: (Mayes  Abstain: (None
Nays: None	

Cranbury Township Resolution # R 11-04-198

Township of Cranbury  
County of Middlesex

RESOLUTION TO CLOSE MEETING TO THE PUBLIC

BE IT RESOLVED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey as follows:

The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act, P.L. 1975, c. 231.

1. The general nature of the subject to be discussed in this session is as follows:

----Land Acquisition—Update on E. Barclay & Simonson properties

----Land Acquisition/Contract Negotiations—Regarding Open Space  
Cranbury Township Resolution # R 11-04-198  
(Continued)

Acquisitions

Contract ----Contract Negotiations—Discussion of Police  
Negotiations

----Closed Session Committee Minutes of November 15, 2004.

2. It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

Date: November 22, 2004

On motion by Ms. Stave, seconded by Ms. Beauregard and unanimously carried, the meeting returned to Open Session:

Ayes:	(Beauregard (Panconi (Stannard (Stave	Absent: (Mayes Abstain: (None
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Nays: (None

Reports and Communications from Committee

--Committee Minutes 18 and 25 October 2004

On motion by Mr. Mayes, seconded by Ms. Beauregard and unanimously carried, the minutes for October 18&25<sup>th</sup> were adopted.

--Sub Committee Reports --

Ms. Stave indicated the Baseball Wright South SubCommittee had met earlier in the evening and a presentation will be given later by Mr. Bob Brown, during the Work Session.

Resolutions  
Consent

On motion offered by Ms. Stave, seconded by Ms. Beauregard, the following Consent Agenda Resolutions were adopted by vote:

Ayes:	(Beauregard (Mayes (Panconi (Stannard (Stave	Absent: (None Abstain: (None
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Nays: None

Cranbury Township Resolution # R 11-04-215

NOW, THEREFORE, BE IT RESOLVED, by the Township of Cranbury that all bills and claims as audited and found to be correct be paid.

Cranbury Township Resolution # R 11-04-216

**RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE  
MUNICIPAL BUDGET OF THE TOWNSHIP OF CRANBURY PURSUANT TO N.J.S.A. 40A:4-87  
(CHAPTER 159, P.L. 1948)**

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount,

Section 1

NOW, THEREFORE, BE IT RESOLVED that the Township Committee hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$46,500.00 which item is now available as a revenue from the NJ DOT State Aid pursuant to the provision of statute, and

Section 2

BE IT FURTHER RESOLVED that a like sum of \$46,500 be and the same is hereby appropriated under the caption State Aid – Cranbury Neck Rd Sidewalks.

Section 3

BE IT FURTHER RESOLVED that a copy of the Resolution, certified by the Township Clerk to be a true copy, be forwarded to each of the following:

- (a) Director of the Division of Local Government Services
- (b) Township Auditor
- (c) Township Chief Financial Officer

CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, NJ, hereby certify that the above is a true of a Resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on November 22, 2004.

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Kathleen R Cunningham, Township Clerk

Cranbury Township Resolution # R 11-04-217  
(Continued)

WHEREAS, the Township Engineer has, in a letter dated (attached hereto as "Exhibit A") recommended that the following performance guarantee be released:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

1. It hereby authorizes the release of performance guarantees set forth in the Township Engineer's letter referenced above.

2. The Township hereby accepts the public improvements, if any so designated pursuant to the Planning Board's approval.

- (a) Township Engineer
- (b) Township Chief Financial Officer
- (c) American Repertory Ballet, 80 Albany Street, New Brunswick, NJ 08901
- (d) Township Attorney

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, NJ, hereby certify that the above is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Cranbury at a regular meeting held on November 22, 2004.

## Work Session

a. Wright South Baseball Field  
Bob Brown from Brown and Keener, along with members of the Wright South Baseball Subcommittee, presented the proposed Baseball Field design and plan for the Wright South Property to the Township Committee and public.

Mr. Brown reviewed the site of the proposed baseball field, the dugout area and bleachers and suggested an outfield fence. He also discussed grading and sloping, trees and grass. Mr. Brown indicated the cost of irrigating the soccer and baseball field would be approximately \$290,000, of which \$75,000 would be for the connection fee.

## Work Session (Continued)

### a. Wright South Baseball Field (cont'd)

Mayor Stannard inquired if having the fence was necessary. Mr. Brown indicated he would check, as there are certain regulations for Babe Ruth League baseball fields which must be followed.

Ms. Stave spoke as the Co-Chair of the SubCommittee, thanking Mr. Brown for his patience and diligence and commending him for taking into consideration when planning the field that it was intended to be a "minimalist" field. Ms. Stave indicated she, like Mayor Stannard, recalled a fence not being necessary. Ms. Stave then went on record in support of the fence, indicating the importance of demarcating where the baseball field ends for safety reasons. Ms. Stave also indicated the SubCommittee is still refining the costs and looking at ways to reduce them where possible. She, Judy Dossin, Parks Chairperson and Tom Witt, Public Works Supervisor, have walked the property to determine tree removal. They will look at the parcel again and come up with a planting scheme as well. The SubCommittee has collected some resources to fund the project. The Township has already received \$75,000 from the County. Ms. Stave mentioned the space is a 14-acre green, to be used by the residents of the Township as open space.

Mr. John Ziegler, Prospect Street, asked how often the field would be used and who would be responsible for maintaining it. Mr. Ziegler expressed his concern over a need for the baseball field.

Ms. Stave responded the Township has been discussing the ball field for many years, a critical mass of people have expressed their supported for it; therefore the Township Committee is committed to developing it. Ms. Stave also indicated if the field does not get a lot of use it's open space and will remain open forever.

Mayor Stannard also spoke, indicating there has been a request for a ball field for a number of years by the school, families and ballplayers. The decision to build it has been made.

Judy Dossin, Parks Chairperson spoke in support of the ball field. Ms. Dossin read a letter from the Parks Board in support of and recommending the ball field as well as the adjoining community area.

Township Committeeman-elect Stout spoke in support of the ball field, indicating there is a need for the field and in addition, how important having the community green area is.

Mr. Panconi spoke in favor of the ball field and mentioned he coaches the Cranbury/Plainsboro Little League. Mr. Panconi also indicated he is in support of the fence.

Mr. Mayes spoke in favor of the ball field and made reference to the series of public meetings which were held several years ago and how many residents participated in those meetings. Mr. Mayes thanked Ms. Stave on behalf of the Township Committee for including in the process all of the impacted groups. Mr. Mayes also thanked Mr. Brown for understanding Cranbury in his design and the location of the ball field. Mr. Mayes also supported the fence, citing safety and the preservation of the integrity of the game. Mr. Mayes mentioned there are approximately 220 participants from Cranbury in the Little League. That Little

Work Session (Continued)

a. Wright South Baseball Field (cont'd)

League is the feeder system for Babe Ruth. In the past, there was no Babe Ruth field to play on. Mr. Mayes stated he thought this was an excellent idea and commended both Ms. Stave and Mr. Brown for their great work.

Mayor Stannard mentioned he had received a letter from the School Board in support of the ball field and asking the Township to put the field in place by spring of 2006.

Ms. Stave asked that a "straw vote" be taken on having or not having the fence. All members of the Township Committee were in favor of having the fence.

A motion was made by Ms. Stave, seconded by Mr. Panconi and unanimously carried to approve Bob Brown's plan as presented this evening, including the out field fence, dugouts and any necessary components for the backstop as presented and to proceed this spring with the grading and seeding of the entire space and proceed with the community use of the parcel in the fall. In addition, there will be no advertising and no lights on the ball field.

Mr. Panconi asked the Township Engineer the status of the demolition of the Wright South buildings. Ms. Marcelli responded they are scheduled for this week.

Ms. Stave asked the Township Committee's consideration to continue with the Babe Ruth SubCommittee, to be called now the Wright South Planning SubCommittee and indicating over time the composition of that SubCommittee may change as they begin to discuss the needs and planning for a free-standing library and community center. The Township Committee unanimously approved Ms. Stave's request.

Ms. Beauregard returned to the meeting.

b. Performance Appraisal Forms/Process

The Personnel Subcommittee presented recommendations to the Township Committee for a revised performance evaluation system for Township staff. Ms. Beauregard briefed the Township Committee on the process for the Performance Appraisals.

c. Police Station Update

Mark Berkowsky of Berkowsky and Associates, Inc. updated the Township Committee on the current status of the construction of the new Police Building. Mr. Berkowsky reported the paperwork is being submitted on schedule. Home Depot has vacated the site and the Holland House has been moved. Construction has begun and the contractor is moving very swiftly in that regard. The fittings are poured and the foundation is in. Under slab mechanical and electrical work has begun. There are no changes pending. Mr. Berkowsky reported the official completion date is August 28, 2005.

d. Land Acquisition

D & R Greenway has negotiated the acquisition of the Kiesler Property and requested the Township and Middlesex County to participate in the acquisition. Mayor Stannard gave a brief summary of the acquisition proceedings between D&R Greenway and the Kiesler property. Ms. Waterbury, Township Attorney

Work Session (Continued)

d. Land Acquisition (cont'd)

indicated D&R Greenway has a contract to purchase the Kiesler parcel, through a non-profit farmland preservation program. D&R Greenway would retain full ownership and the parcel would continue to be farmed. D&R Greenway is also purchasing the adjoining

property which is owned by White. That parcel is not being purchased with farmland preservation money and will not be farmed. Ms. Waterbury indicated D&R is willing to give the Township an easement across the property along the stream corridor in exchange for the Township participating in the Kiesler acquisition. D&R is looking to the Township and the County participating in total \$400,000 towards the Kiesler acquisition; \$200,000 from the Township and \$200,000 from the County. Ms. Waterbury referenced a Resolution, to be adopted this evening to commit to a contribution towards the Kiesler parcel.

Ms. Stave gave a geographical outline of the parcel and explained its importance, fronting on the Millstone River as does a little piece of E. Barclay giving real potential to public access along that stream corridor. It is 28.6 acres and the Township has requested the County reimburse the Township for one-half of the amount, or \$200,000. Ms. Stave made a motion to move the Resolution. Ms. Beauregard indicated D&R has been working very diligently at looking at the remaining properties that are available in the Township and bringing to the Township Committee those that meet the Township's implicit priorities with respect to acquisition and this is a very good project that they have brought to the Township to assist with the funding on.

Mr. Mayes spoke, indicating it was his opinion the \$200,000 to \$400,000 that the Township would contribute is a lot of money to spend for no significant benefit to the Township. It is money better spent on higher priority parcels. Mr. Mayes cited the reasons for his decision: This is an outlying parcel, relatively small, and the Township will not own the land after the transaction occurs. Also, the parcel will have no impact on vistas and view sheds in Cranbury and the parcel itself has very limited development potential.

Ms. Stave made a motion to adopt the following Resolution, seconded by Ms. Beauregard:

Ayes:	(Beauregard (Mayes (Panconi (Stannard (Stave	Absent: (None Abstain: (None
Nays:	(Mayes	

Cranbury Township Resolution # R 11-04-218

#### **RESOLUTION OF THE TOWNSHIP OF CRANBURY, NJ**

A RESOLUTION REGARDING THE ACQUISITION OF PROPERTY LOCATED ON JOHN WHITE ROAD AND DESIGNATED ON THE CRANBURY TOWNSHIP TAX MAP AS BLOCK 22, LOT 11 (THE KIESLER PROPERTY) AND BLOCK 22, LOT 22.01 (THE WHITE PROPERTY)

WHEREAS, the Delaware & Raritan Greenway, Inc. ("D&R") is a nonprofit corporation that acquires farmland and open space throughout New Jersey; and

Cranbury Township Resolution # R 11-04-28  
(Continued)

WHEREAS, D&R applied for a Nonprofit Farmland Preservation Grant for 2005 to acquire fee simple title to property located on the north side of John White Road in Cranbury Township and designated on the Cranbury Township Tax Map as Block 22, Lot 11 (the "Kiesler" property); the Kiesler property comprises 28.6± acres on the border with Plainsboro and abuts preserved farmland; and

WHEREAS, D&R has entered into an agreement with John H. Kirkenir (Alliance Homes) and Warren Kiesler to acquire the Kiesler farm in order to preserve it permanently as farmland; and

WHEREAS, in connection with the above-referenced acquisition, D&R will also acquire an interest in all or a portion of property located on the south side of John White Road in Cranbury Township and designated on the Cranbury Township Tax Map as Block 22, Lot 22.01 (the "White" property); the White Property abuts the Millstone River; and

WHEREAS, D&R has requested that the Township of Cranbury and the County of Middlesex collectively contribute approximately \$400,000 toward the cost of acquisition; and

WHEREAS, in exchange, D&R is willing to grant to the Township of Cranbury and/or County of Middlesex a permanent right of access and public user across the White Property where it abuts the Millstone River; and

WHEREAS, the Township Committee finds that it is the public interest to assist D&R with the above-referenced acquisition;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Cranbury as follows:

1. The Township Committee of the Township of Cranbury hereby agrees to contribute a minimum of two hundred thousand dollars (\$200,000) but not more than four hundred thousand dollars (\$400,000) toward Delaware & Raritan Greenway, Inc. ("D&R")'s acquisition of the Kiesler and White properties, located on John White Road in the Township of Cranbury and designated on the Cranbury Township Tax Map as Block 22, Lots 11 and 22.01, respectively, subject to the following:
  - a. The conveyance by D&R of an easement or other permanent right of access to the Township of Cranbury and/or the County of Middlesex across that portion of the White property that abuts the Millstone River;
  - b. The introduction and adoption of an ordinance authorizing the Township to acquire same and to pay the above-referenced sum therefor, in accordance with the laws of the State of New Jersey.
2. The Township Administrator, Township Clerk, Township Engineer, and Township Attorney are hereby authorized and directed to undertake any and all acts necessary to effectuate the terms hereof.

#### CERTIFICATION

I, Kathleen R. Cunningham, Clerk of the Township of Cranbury, do hereby certify that the foregoing resolution is a true copy of a Resolution passed by the Township of Cranbury at a meeting duly held on November 22, 2004.

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Kathleen R. Cunningham, Clerk

#### Public Comment

The Mayor opened the meeting to public questions and comments on those items not on the agenda. Mr. Richard Kallan, Wynnewood Drive, reported on the status of his easement project. He indicated Mr. Steven Benner, Tax Assessor has not been able to assist him for the past few months due to other work commitments. There being no further comments, the Mayor closed the public part of the meeting.



## Mayor's Notes

### A. Municipal Alliance Appointment - Mayoral - Karen Henderson

Mayor Stannard reported Ms. Karen Henderson has volunteered to serve on the Municipal Alliance. Mayor Stannard indicated he wished to honor her request and appoint her to the Municipal Alliance. Ms. Beauregard suggested looking at the staggered terms of the present members and appoint her to one of the terms which would expire. Mr. Carr suggested waiting until the beginning of the year and then appoint her, to start at the beginning of the year, putting her appointment on a three-year cycle.

Mayor Stannard also reported Cranbury Township had received a "Certificate Of Honorable Mention" from the New Jersey State League of Municipalities Convention for the recently-published "Welcome To Cranbury", booklet, created by Ms. Betty Wagner, Township Historian and Ms. Kathleen Cunningham, Municipal Clerk.

## Resolution

On motion offered by Ms. Beauregard, seconded by Mr. Mayes, the following resolution was adopted by vote:

Ayes: (Beauregard	Absent: (None
(Mayes	
(Panconi	
(Stannard	Abstain: (None
(Stave	

Nays: None

## Cranbury Township Resolution # R 11-04-198

Township of Cranbury  
County of Middlesex

### RESOLUTION TO CLOSE MEETING TO THE PUBLIC

BE IT RESOLVED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey as follows:

The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act, P.L. 1975, c. 231.

1. The general nature of the subject to be discussed in this session is as follows:

## Cranbury Township Resolution # R 11-04-198 (Continued)

properties	----Land Acquisition—Update on E. Barclay & Simonson
Space	----Land Acquisition/Contract Negotiations—Regarding Open
	Acquisitions
Contract	----Contract Negotiations—Discussion of Police
	Negotiations
	----Closed Session Committee Minutes of November 15, 2004.

2. It is unknown at this time precisely when the matters discussed in this session will be disclosed to the public. Matters involving contract negotiations or the acquisition of land will be disclosed upon conclusion of the negotiations or upon approval of the acquisition. Matters involving personnel will be disclosed when the need for confidentiality no longer exists. Matters concerning litigation will be announced upon the conclusion of trial or settlement of that litigation or when the need for confidentiality no longer exists.

Date: November 22, 2004

On motion by Ms. Beauregard, seconded by Ms. Stave and unanimously carried, the meeting returned to Open Session:

Ayes:	(Beauregard	Absent: (None
	(Mayes	Abstain: (None
	(Panconi	
	(Stannard	
	(Stave	

Nays: (None

Ms. Stave inquired as to whether the Township is going to prepare a letter in response to the concerned citizens of Shady Lane in reference to the school bus not being able to navigate due to individuals parking in the street. Ms. Marcelli indicated she would send a letter. Mr. Panconi suggested having the school bus pull off to the crosswalk area when picking up and discharging the students. Mr. Panconi expressed his concern over prohibiting home owners from parking in the street. Mr. Mayes also agreed. Mr. Mayes suggested not sending a letter to the homeowners and having a meeting with them, Ms. Marcelli and Mr. Panconi to try to resolve the problem. Ms. Stave agreed with Mr. Mayes. Ms. Beauregard recommended speaking with Ms. Davison, the bus driver as well. Mayor Stannard indicated a meeting will be set up.

On motion by Ms. Stave, seconded by Mr. Mayes and unanimously carried, the Closed Session Minutes of November 15, 2004 were adopted.

On motion by Ms. Stave, seconded by Mr. Mayes and unanimously carried, the meeting adjourned at 10:20 p.m.

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Kathleen R. Cunningham, Clerk